

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NELSON LEE PALMER (AIS #173247)

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Plaintiff,

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V.

2:06-CV-344-WKW

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DR. SEDIET, ET AL.

*

Defendants.

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**MOTION TO ALLOW MOTION TO DISMISS, OR, IN THE ALTERNATIVE,
MOTION FOR MORE DEFINITE STATEMENT**

COME NOW Defendants Prison Health Services, Inc. and Tahir Siddiq, M.D. (incorrectly named in the Plaintiff's Complaint as "Doctor Sedict") (referred to collectively as the "Medical Defendants") and move the Court, pursuant to its Order of April 18, 2006, to issue an Order allowing them to file a Motion to Dismiss, or, in the Alternative, Motion for More Definite Statement in this matter and in support thereof shows as follows:

1. On April 14, 2006, this inmate filed a Complaint against PHS, the company that contracts with the Alabama Department of Corrections to provide healthcare to inmates, Dr. Siddiq, the Medical Director for Bullock County Correctional Facility, the Warden for Bullock County Correctional Facility, and the Alabama State Prison Commissioner.
2. The Plaintiff's Complaint is void of information indicating how the Medical Defendants have acted inappropriately in treating the Plaintiff's alleged medical condition being, an "Extra large, Fatty Growth on the Plaintiff's neck."

3. The Medical Defendants cannot provide a responsive pleading to the Plaintiff's Complaint without more specific information indicating the basis of the Plaintiff's claim constituting medical malpractice. Specifically, there is no information in the Complaint that describes how the Medical Defendants are alleged to have acted inappropriately.

WHEREFORE the Medical Defendants move this Honorable Court to enter an Order allowing them to file a Motion to Dismiss, or, in the Alternative, Motion for More Definite Statement.

Respectfully submitted,

s/L. Peyton Chapman, III
Alabama State Bar Number CHA060
s/R. Brett Garrett
Alabama State Bar Number GAR085
Attorneys for the Medical Defendants

RUSHTON, STAKELY, JOHNSTON &
GARRETT, P.A.
Post Office Box 270
Montgomery, Alabama 36101-0270
Telephone: (334) 834-8480
Fax: (334) 262-6277
E-mail: bg@rsjg.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by U.S. Mail this the 2nd day of May, 2006, to:

Nelson Lee Palmer (AIS# 173247)
Bullock Correctional Facility
P.O. Box 5107
Union Springs, AL 36089

s/R. Brett Garrett GAR085
Attorney for the Medical Defendants